

Application No: 10/532,623
Amendment B
Reply to Office Action Dated 12/13/2007

Attorney Docket No: 3926.142

REMARKS

Claims 8-19 are pending in the application. Claims 8 and 13 have been amended. Claims 1-7 have been previously cancelled.

Claim Rejections - 35 U.S.C. §§ 102 & 103

Claim 13 has been rejected under 35 USC 102(b) as being anticipated by Lindae (DE 3932216).

Claims 14-17 have been rejected under 35 USC 103(a) as being unpatentable over Lindae in view of Bernard (FR 2818933).

Claims 8-12 and 18-19 have been rejected under 35 USC 103(a) as being unpatentable over Lindae in view of Wolfe (US 6,288,492).

The language of independent claims 8 and 13 has been slightly modified to even more clearly recite the present invention. More specifically, claim 8 has been amended to make it clear that the second and the third lighting system can be switched on only after the switching stage representing the lower beam of the first lighting system has already been switched on, and claim 13 has been amended to make it clear that the switching stage representing the upper beam of the first lighting system can be switched on only after the switching stage of the second lighting system has already been switched on.

The advantage of the limitation that the second lighting system for the infrared or non-visible can be switched on only after the actuation of the lower beam is described in paragraph [00014] of the specification. The advantage of the limitation that the upper beam can be switched on only after the actuation of the second lighting system is described in paragraph [00015] of the specification.

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With regard to claim 8, first it is noted that Lindae does not disclose a first lighting system for emitting visible light having a number of lighting states with a lower beam and an upper beam, a second lighting system for emitting visible light of at least one further lighting device, and a third lighting system, which emits light in the infrared wavelength region or in the non-visible wavelength region. In other words, Lindae does not disclose all the lighting states as recited in claim 8 of the instant application. For example, in Lindae there is not a lighting state where only lower beam is switched on because whenever the lower beam is switched on, the filter 13 is moved over the light source 11 so that the upper beam headlamp 9 emits infrared light 19 (see Fig. 3). Lindae also does not disclose a lighting state where at least one further lighting device is switched on to emit visible light when the lower beam has already been switched on. In fact, in Lindae there are only two possible lighting states: visible upper beam (Fig. 2) or visible lower beam plus infrared upper beam (Fig. 3).

Second, it is noted that in Lindae the infrared upper beam is always on whenever the lower beam is switched on. Thus, there is no choice for the driver to decide whether or not to switch on a third lighting system. In contrast, in the present invention the second and the third lighting system ~~can be~~ switched on only after the switching stage representing the lower beam of the first lighting system has already been switched on, but do not have to be.

The Examiner has stated that Wolfe discloses additional lighting systems and switching stages, where subsequent lighting systems are actuated only after actuating the lower beam. However, it is noted that in Wolfe the different lights are actuated independently. It is not disclosed in Wolfe that certain lights can only be actuated while the lower beam is actuated. The fact that the actuator is rotated in one direction does not indicate that certain lights can only be actuated while the lower beam is actuated. Rather, to the contrary, it indicates that all the lighting states are totally independent.

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With regard to claim 13, neither Lindae nor Wolfe discloses that the switching stage representing the upper beam of the first lighting system can be switched on only after the switching stage of the second lighting system (emitting infrared or non-visible light) has already been switched on.

It is, therefore, believed that claims 8 and 13 are patentable over cited references and all the dependent claims should be patentable as well due to their dependency to claims 8 or 13.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

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Respectfully submitted,



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